



COMMONWEALTH BUREAU OF CENSUS AND STATISTICS

SIXTH FLOOR,
PRUDENTIAL BUILDING,
195 NORTH TERRACE,
ADELAIDE

DIVORCE

SOUTH AUSTRALIA

1966

SCOPE

This bulletin gives particulars of petitions filed and orders granted for dissolution of marriage, judicial separation, and nullity of marriage, during the year 1966 with comparable data for previous years where available.

In 1959 the Commonwealth Parliament passed the Matrimonial Causes Act 1959, which came into operation on 1 February 1961. This Act established uniform grounds throughout the whole of the Commonwealth for the termination of marriage and superseded the matrimonial cause laws for the States and Territories except in so far as the transitional provisions of the Act keep them in force for the purpose of completing pending proceedings. The main changes in South Australia were as follows:

- (i) The period of desertion constituting a ground for dissolution of marriage was reduced from three years to two years.
- (ii) A petition on the ground of separation for five years does not now require a Court order for judicial separation as a pre-requisite.
- (iii) The period of the decree nisi for dissolution or annulment of marriage was reduced from six months to three months.

The immediate effect was to increase both the number of petitions filed and orders absolute for dissolution in 1961.

Statistics of petitions filed since 1 February 1961 are on a uniform basis. However, statistics of decrees absolute granted are not uniformly based because decrees absolute based on petitions lodged prior to 1 February 1961 have been granted since that date, for instance, 639 of the 718 decrees absolute granted in 1961 for dissolution of marriage were on petitions lodged before February 1961. Since then most such decrees granted have been on petitions filed under the current legislation, and by 1966 the number granted on petitions filed under the superseded legislation had become insignificant.

COMMENT

The number of petitions filed for dissolution has risen each year since 1960 and the 1,133 in 1966 is the highest yet filed in one year. With the exception of three of the World War II years, the number of petitions filed by wives has exceeded that by husbands in each year since 1931.

Petitions by wives for dissolution constituted 63.0 per cent of those filed in 1966.

The principal single grounds upon which petitions for dissolution of marriage were filed in 1966 were desertion (330 petitions), adultery (314), cruelty (190) and separation (163).

The 718 orders absolute granted for dissolution of marriage in the first year (1961) of uniform legislation was higher than in any previous year, and with the exception of 1962 (685 orders absolute) this number has been exceeded in each year since. In 1966 the 1,069 marriages dissolved is the highest number on record and is 182 greater than the previous highest of 887 in 1964.

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| Particulars | Years | | | | | | | |
|------------------------------------|------------|------------|------------|------------|--------------|--------------|--------------|--------------|
| | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |
| PETITIONS | | | | | | | | |
| Dissolution | 789 | 781 | 865 | 910 | 1,005 | 1,034 | 1,107 | 1,133 |
| Nullity of marriage | 6 | 8 | 9 | 4 | 5 | 5 | 13 | 7 |
| Dissolution or nullity of marriage | — | — | — | 1 | 1 | 2 | 2 | 3 |
| Judicial separation | 1 | — | 3 | 1 | 3 | 4 | 5 | 2 |
| Dissolution or judicial separation | — | — | — | — | — | — | — | 2 |
| Total | 796 | 789 | 877 | 916 | 1,014 | 1,045 | 1,127 | 1,147 |
| ORDERS | | | | | | | | |
| Dissolution - Nisi | 470 | 698 | 586 | 781 | 748 | 940 | 931 | 1,130 |
| Absolute | 503 | 610 | 718 | 685 | 765 | 887 | 852 | 1,069 |
| Nullity of marriage - Nisi | 5 | 11 | 8 | 3 | 4 | 4 | 2 | 2 |
| Absolute | 7 | 9 | 6 | 6 | 5 | 3 | 3 | 9 |
| Judicial separation | — | — | — | 1 | — | — | — | 2 |

Fluctuations from year to year in the number of orders granted may be independent of fluctuations in the number of petitions filed because there is a considerable variation in the number of actions awaiting hearing at the end of each year.

TABLE 2 - PETITIONS FILED FOR DISSOLUTION OF MARRIAGE, NULLITY OF MARRIAGE, AND JUDICIAL SEPARATION: GROUNDS, SOUTH AUSTRALIA, 1964 TO 1966

[illegible]

TABLE 3 - DISSOLUTION AND ANNULMENT OF MARRIAGE - ORDERS ABSOLUTE: GROUNDS
SOUTH AUSTRALIA, 1959 TO 1966

| Ground | Year | | | | | | | |
|--|------|------|------|------|------|------|------|-------|
| | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |
| Dissolution | | | | | | | | |
| Adultery | 175 | 274 | 235 | 174 | 202 | 243 | 214 | 309 |
| Adultery and desertion | | | 8 | 1 | 5 | 8 | 6 | 3 |
| Adultery and separation | | | 2 | - | - | 1 | - | - |
| Adultery and cruelty | 90 | 103 | - | 3 | 2 | 5 | 2 | 1 |
| Cruelty | | | 138 | 60 | 82 | 102 | 101 | 136 |
| Cruelty and drunkenness | | | 2 | 1 | 5 | 9 | 3 | 1 |
| Cruelty and separation | | | - | - | 1 | - | 1 | - |
| Cruelty and sodomy | | | - | - | - | 1 | - | - |
| Cruelty and frequent convictions | | | - | - | - | - | 1 | - |
| Desertion | | | 289 | 301 | 269 | 268 | 312 | 361 |
| Desertion and cruelty | 218 | 215 | 2 | 4 | 3 | 6 | 1 | - |
| Desertion and separation | | | 1 | 1 | 16 | 34 | 8 | 2 |
| Desertion and drunkenness | | | - | - | 1 | 2 | 3 | - |
| Desertion and refusal to consummate | | | - | - | 1 | - | - | 1 |
| Desertion and failure to pay maintenance | | | - | - | - | 1 | - | - |
| Desertion and presumption of death | | | - | - | - | 1 | - | - |
| Desertion and frequent convictions | | | - | - | - | - | - | 1 |
| Drunkenness | 4 | 9 | 6 | 3 | 6 | 13 | 9 | 32 |
| Drunkenness and separation | 3 | 4 | - | - | 1 | - | - | - |
| Failure to pay maintenance | | | 4 | 1 | 2 | 1 | 2 | 1 |
| Insanity | | | 3 | 4 | 2 | 3 | - | 2 |
| Insanity and separation | 6 | 2 | - | - | - | - | 1 | - |
| Separation (a) | | | 23 | 130 | 162 | 180 | 180 | 213 |
| Other single grounds | 2 | - | 2 | 2 | 3 | 6 | 6 | 6 |
| Multiple grounds | - | - | 3 | - | 2 | 3 | 2 | - |
| Total | 503 | 610 | 718 | 685 | 765 | 887 | 852 | 1,069 |
| Nullity | | | | | | | | |
| Bigamy | - | 1 | 2 | 3 | 2 | - | - | 3 |
| Incapacity to consummate (b) | 7 | 4 | 2 | 2 | 3 | 3 | 3 | 3 |
| Invalid marriage | - | 4 | 2 | 1 | - | - | - | 1 |
| Pregnancy | - | - | - | - | - | - | - | 2 |
| Total | 7 | 9 | 6 | 6 | 5 | 3 | 3 | 9 |

Note: Prior to 1961 if more than one ground was stated one of the grounds was selected for classification as indicated above, e.g. "adultery and desertion" was classified as "adultery".

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Figures prior to 1961 combine "impotence" and "non-consummation" and the latter term covered "refusal to consummate", which under Commonwealth legislation is now a ground for dissolution of marriage.

Adultery was the main ground for dissolution in most years up to and including 1948 - during the three years to 1947 this predominance was more marked. In most years since 1948 desertion has been the main ground and since the operation of the uniform legislation from early in 1961 separation has become the third most frequent of the grounds on which dissolution is granted.

TABLE 4 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: SEX OF PETITIONER AND GROUNDS,
SOUTH AUSTRALIA, 1959 TO 1966

| Ground | Year | | | | | | | |
|--|------|------|---------|---------|------|---------|---------|------|
| | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 |
| ON PETITION OF HUSBAND | | | | | | | | |
| Adultery | | | 126 | (b) 108 | (121 | (b) 140 | 124 | 166 |
| Adultery and desertion | 108 | 172 | 5 | 1 | 3 | 6 | 2 | 2 |
| Adultery and cruelty | | | - | 1 | - | - | - | - |
| Cruelty | - | 4 | 5 | 1 | 2 | 3 | 5 | 4 |
| Cruelty and separation | | | - | - | - | - | 1 | - |
| Desertion | 106 | 107 | 154 | 141 | 137 | 111 | 153 | 145 |
| Desertion and cruelty | | | - | - | 1 | - | - | - |
| Desertion and separation | | | - | - | 14 | 16 | (b) 6 | 1 |
| Desertion and presumption of death | | | - | - | - | 1 | - | - |
| Desertion and drunkenness | | | - | - | - | - | 1 | - |
| Drunkenness | 1 | - | 1 | - | 1 | 2 | - | 2 |
| Insanity | 3 | 1 | 2 | 3 | 1 | 1 | - | 1 |
| Separation (a) | 2 | - | 14 | 60 | 58 | 76 | 63 | 83 |
| Other single grounds | - | - | - | - | - | 2 | - | 3 |
| Multiple grounds | - | - | (b) 1 | - | 1 | - | - | - |
| Total | 220 | 284 | (b) 308 | (b) 315 | 339 | (b) 358 | (b) 355 | 407 |
| ON PETITION OF WIFE | | | | | | | | |
| Adultery | | | 109 | (b) 67 | 81 | (b) 104 | 90 | 143 |
| Adultery and desertion | 67 | 102 | 3 | - | 2 | 2 | 4 | 1 |
| Adultery and separation | | | 2 | - | - | 1 | - | - |
| Adultery and cruelty | | | - | 2 | 2 | 5 | 2 | 1 |
| Cruelty | | | 133 | 59 | 80 | 99 | 96 | 132 |
| Cruelty and drunkenness | 90 | 99 | 2 | 1 | 5 | 9 | 3 | 1 |
| Cruelty and separation | | | - | - | 1 | - | - | - |
| Cruelty and sodomy | | | - | - | - | 1 | - | - |
| Cruelty and frequent convictions | | | - | - | - | - | 1 | - |
| Desertion | | | 135 | 160 | 132 | 157 | 159 | 216 |
| Desertion and cruelty | 112 | 108 | 2 | 4 | 2 | 6 | 1 | - |
| Desertion and separation | | | 1 | 1 | 2 | 18 | (b) 3 | 1 |
| Desertion and drunkenness | | | - | - | 1 | 2 | 2 | - |
| Desertion and refusal to consummate | | | - | - | 1 | - | - | 1 |
| Desertion and failure to pay maintenance | | | - | - | - | 1 | - | - |
| Desertion and frequent convictions | 3 | 9 | - | - | - | - | - | 1 |
| Drunkenness | | | 5 | 3 | 5 | 11 | 9 | 30 |
| Drunkenness and separation | 3 | 4 | - | - | 1 | - | - | - |
| Failure to pay maintenance | | | 4 | 1 | 2 | 1 | 2 | 1 |
| Insanity | 2 | 2 | 1 | 1 | 1 | 2 | - | 1 |
| Insanity and separation | | | - | - | - | - | 1 | - |
| Separation (a) | 4 | 2 | 9 | 70 | 104 | 104 | 117 | 130 |
| Other single grounds | 2 | - | 2 | 2 | 3 | 4 | 6 | 3 |
| Multiple grounds | - | - | (b) 3 | - | 1 | 3 | 2 | - |
| Total | 283 | 326 | (b) 411 | (b) 371 | 426 | (b) 530 | (b) 498 | 662 |

(a) Those shown prior to 1961 were granted on the ground of five years separation pursuant to a court order for judicial separation or granting relief from co-habitation.

(b) Includes a dissolution granted to both husband and wife.

In all but four years since 1933 more orders absolute for dissolution have been granted on the petitions of wives than on the petitions of husbands.

In 1966, 97.5 per cent of orders absolute for dissolution on petitions of husbands, but only 74.2 per cent on petitions of wives, were granted on three grounds (adultery, desertion, separation), or combinations of these three grounds. Cruelty (19.9 per cent) accounted for most of the other orders absolute for dissolution granted to wives.

TABLE 5 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT MARRIAGE,
SOUTH AUSTRALIA, 1964 TO 1966

| Age of Husband | 1966 | | | | | | | | | 1965 | 1964 |
|----------------|-------------|-------|-------|-------|-------|-------|-----------|------------|-------|------|------|
| | Age of Wife | | | | | | | | Total | | |
| | Under 20 | 20-24 | 25-29 | 30-34 | 35-39 | 40-44 | 45 & Over | Not Stated | | | |
| Under 20 | 71 | 14 | 1 | - | - | - | - | - | 86 | 54 | 53 |
| 20-24 | 229 | 248 | 33 | 4 | 1 | 1 | - | - | 516 | 418 | 399 |
| 25-29 | 54 | 131 | 64 | 12 | 2 | 2 | - | - | 265 | 212 | 245 |
| 30-34 | 11 | 34 | 21 | 20 | 12 | 4 | 1 | - | 103 | 73 | 100 |
| 35-39 | 3 | 9 | 8 | 9 | 8 | 5 | 5 | - | 47 | 46 | 45 |
| 40-44 | - | 1 | 3 | 7 | 6 | 5 | 2 | - | 24 | 20 | 20 |
| 45 and over | 1 | - | 5 | 3 | 3 | 3 | 11 | - | 26 | 26 | 19 |
| Not stated | - | - | - | 1 | - | - | - | 1 | 2 | 3 | 6 |
| Total 1966 | 369 | 437 | 135 | 56 | 32 | 20 | 19 | 1 | 1,069 | 852 | 887 |
| 1965 | 275 | 380 | 88 | 47 | 34 | 12 | 14 | 2 | | | |
| 1964 | 245 | 392 | 139 | 52 | 27 | 9 | 17 | 6 | | | |

When analysing the figures shown in tables 5, 6 and 7 it should be remembered that there are more existing marriages of short duration than of long duration.

TABLE 6 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: DURATION OF MARRIAGE AND
NUMBER OF CHILDREN (a), SOUTH AUSTRALIA, 1963 TO 1966

| Duration of Marriage | 1966 | | | | | | | | 1965 | 1964 | 1963 |
|----------------------|------------------------|-----|-----|-----|----|----|----------|-------|------|------|------|
| | Number of Children (a) | | | | | | | Total | | | |
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 & Over | | | | |
| 0- 4 | 44 | 26 | 11 | 1 | 1 | - | - | 83 | 64 | 61 | 43 |
| 5- 9 | 80 | 92 | 75 | 22 | 9 | 4 | - | 282 | 222 | 207 | 202 |
| 10-14 | 60 | 44 | 52 | 45 | 12 | 6 | 3 | 222 | 186 | 183 | 172 |
| 15-19 | 32 | 25 | 55 | 36 | 17 | 9 | 8 | 182 | 154 | 185 | 166 |
| 20-24 | 30 | 21 | 42 | 26 | 9 | 2 | 7 | 137 | 114 | 122 | 90 |
| 25-29 | 34 | 27 | 17 | 7 | 3 | - | - | 88 | 59 | 70 | 58 |
| 30-34 | 22 | 10 | 6 | 2 | - | 1 | - | 41 | 30 | 32 | 12 |
| 35-39 | 15 | 1 | 1 | - | - | - | - | 17 | 14 | 16 | 10 |
| 40-44 | 8 | 1 | - | - | - | - | - | 9 | 6 | 6 | 10 |
| 45 and over | 8 | - | - | - | - | - | - | 8 | 3 | 5 | 2 |
| Total 1966 | 333 | 247 | 259 | 139 | 51 | 22 | 18 | 1,069 | 852 | 887 | 765 |
| 1965 | 253 | 198 | 210 | 109 | 52 | 19 | 11 | | | | |
| 1964 | 260 | 227 | 205 | 118 | 48 | 21 | 8 | | | | |
| 1963 | 243 | 199 | 166 | 94 | 51 | 6 | 6 | | | | |

(a) At time of petition. Under State legislation information obtained on "children" covered only living "issue" under 16 years; the Commonwealth Act provides for living "children of the marriage" under 21 years to be shown. As the numbers of orders absolute for dissolution in 1963 to 1966 combine those granted under both the old and the new legislation the information on children for each of these years is not strictly comparable with that for each previous year. The degree of lack of comparability is diminishing from year to year.

During the eleven years to the end of 1960 there was an increase in the proportion of orders absolute for dissolution which involved 2 or more living issue under the age of 16 years. In 1949 these amounted to only 19.5 per cent of all orders absolute for dissolution, but in 1960 the corresponding percentage was 37.0 per cent. Since then comparability has been affected by the inclusion of children aged 16 years and over.

Since 1961 the proportion of orders absolute for dissolution of marriages which had lasted 20 years or more has been at a higher level than prior to that year, having risen steeply from 15.3 per cent in 1958 to 25.1 per cent in 1962. The proportion of such dissolved marriages in 1966 was 28.1 per cent.

TABLE 7 - DISSOLUTION OF MARRIAGE - ORDERS ABSOLUTE: AGE AT TIME OF DIVORCE,
SOUTH AUSTRALIA, 1963 TO 1966

| Age of Husband | 1966 | | | | | | | | 1965 | 1964 | 1963 |
|-------------------|-------------|-------|-------|-------|-------|--------------|---------------|-------|------|------|------|
| | Age of Wife | | | | | | | Total | | | |
| | Under 25 | 25-29 | 30-34 | 35-39 | 40-44 | 45 & Over | Not Stated | | | | |
| Under 25 | 36 | 2 | - | - | - | - | - | 38 | 20 | 20 | 12 |
| 25-29 | 60 | 77 | 4 | - | - | 1 | - | 142 | 111 | 91 | 80 |
| 30-34 | 8 | 80 | 64 | 12 | 1 | 2 | - | 167 | 136 | 148 | 127 |
| 35-39 | 3 | 23 | 81 | 70 | 15 | 4 | - | 196 | 154 | 157 | 148 |
| 40-44 | - | 7 | 15 | 72 | 61 | 14 | - | 169 | 141 | 137 | 137 |
| 45 and over | 1 | 2 | 6 | 18 | 67 | 261 | - | 355 | 287 | 328 | 256 |
| Not Stated | - | - | - | - | 1 | - | 1 | 2 | 3 | 6 | 5 |
| Total 1966 | 108 | 191 | 170 | 172 | 145 | 282 | 1 | 1,069 | 852 | 887 | 765 |
| 1965 | 71 | 154 | 137 | 148 | 126 | 214 | 2 | | | | |
| 1964 | 70 | 133 | 133 | 159 | 145 | 241 | 6 | | | | |
| 1963 | 48 | 123 | 124 | 139 | 131 | 195 | 5 | | | | |

The proportion of those aged 45 years or more at the time of dissolution of marriage rose markedly from 1958 to 1962 and since has remained at a level higher than for any year before 1961. The rise from 1958 to 1962 was from 22.4 to 35.5 per cent for husbands and from 15.1 to 26.7 for wives. The proportions for 1966 were 33.2 per cent for husbands and 26.4 per cent for wives.

It can be seen that this trend bears a close relationship to the trend in dissolved marriages with a duration of 20 years or more indicated in the comment following table 6.

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